

REMARKS

The Rejection

All of the claims 1-29 were rejected under §103 as being unpatentable over Finey '207 in view of Summers '325.

Reconsideration and withdrawal of this rejection and allowance of all of the claims as amended herein is requested in view of these amendments and the following remarks.

Claims 1-15

As amended, claim 1 defines a composite material comprising a non-foamed substrate without any blowing agent of a non-foamed ABS terpolymer resin of 20 to 75 weight percent and a cellulosic material of 25 to 75 weight percent of the substrate and a coextruded capstock of a non-foamed thermoplastic material other than the ABS terpolymer resin, without any blowing agent and bonded to the substrate without additional adhesives.

Finey discloses only a foamed structural member with an open cell structure produced by a blowing agent. While Finey uses the term "capstock", it does not have any disclosure of its composition, or how it is formed or made and in view of this lack of disclosure, undoubtedly would be interpreted by skilled persons as simply a thin skin formed simultaneously with the blown open cell structure by a die chilling the surface to inhibit blowing while permitting the blowing agent to form the open cell structure. Thus, skilled persons would conclude the core structure and the capstock are made of the same resin with the blowing agent therein.

Neither Finey nor Summers, whether considered alone or in combination, disclose either the concept of or a specific capstock material which is bonded to the substrate without any additional adhesive nor achieve the other practical advantages of applicant's composite material as defined by amended claim 1.

Furthermore, neither of these references disclose, suggest or teach to skilled persons which of their numerous elements should be discarded and which selected, rearranged and recombined with elements not disclosed in the art to achieve applicant's specific concept, of composite material and its significant practical advantages as defined by amended claim 1, all of which are part of the subject matter as a whole which must be considered in determining the patentability of amended claim 1 under §103.

For at least these reasons, amended claim 1, and claims 2-15 dependent thereon, define patentable subject matter and should be allowed.

Claims 16-28

Amended independent claim 16 further defines the substrate of the composite material as comprising a non-foamed polar thermosetting material in a specified amount and without any blowing agent. The proposed combination of the Finey and Summers references do not disclose, suggest or teach to skilled persons this combination and the use of a non-foamed polar thermosetting material of a specified amount and hence claim 16 and claims 17-28 dependent thereon define patentable subject matter for at least these additional reasons as well as the above reasons for which claim 1 does so. Accordingly, claims 16-28 as amended should be allowed.

Claim 29

As amended, claim 29 defines an extruded article produced by coextruding a composite material and is believed to define patentable subject matter for at least the reasons for which claim 1 does so and should be allowed.

Conclusion

As amended, all of the claims 1-29 are believed to define patentable subject matter under §103 and to be allowable for at least the foregoing reasons and such action is respectfully requested.

If, after considering this Response, the Examiner is of the view that any of the claims are not allowable, a telephone interview with applicant's attorney William Francis is requested so that immediate consideration can be given to any further amendments suggested by the Examiner or otherwise needed to place all of the claims of this application in a condition for allowance. The Examiner is asked to schedule or initiate this interview by telephoning William Francis at (248) 689-3500 who normally can be reached Monday through Friday between 9:00 A.M. and 5:00 P.M.

Respectfully submitted,

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WHF:sal

By


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